



## Ohio Administrative Code

### Rule 5160:1-3-03.7 Medicaid: treatment of sick pay and sick leave.

Effective: August 1, 2016

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(A) The purpose of this rule is to set forth the treatment of sick pay and sick leave for eligibility for medical assistance.

(B) Definitions.

(1) "Sick pay" means a payment made to or on behalf of an employee by an employer or a private third party for sickness or accident disability.

(2) "Sick leave" means a paid absence from duty for personal or family medical reasons and considered a continuation of salary.

(C) Treatment of sick pay.

(1) Sick pay is treated as earned income (wages) if the individual receives sick pay within six months after stopping work and the income is not attributable to the employee's own contributions toward a sick pay plan.

(2) Sick pay is treated as unearned income if:

(a) The individual receives sick pay within six months after stopping work and the income is attributable to the employee's own contributions toward a sick pay plan; or

(b) The individual receives sick pay more than six months after stopping work.

(3) To determine the six months' period after stopping work, begin with the first day of non-work, include the remainder of that calendar month, and include the next six full calendar months.

(D) Treatment of sick leave.



(1) Sick leave payments are treated as earned income.

(2) Sick leave that is donated to the individual is treated the same as if it were the individual's own leave.

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